

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ZENON CARRILLO ORTIZ,

Plaintiff,

VS.

US CUSTOMS AND BORDER  
PROTECTION AGENCY, *et al*,

Defendants.

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CIVIL ACTION NO. C-10-358

**ORDER**

For the reasons set forth below, this Court hereby DISMISSES the above-styled action for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).


Plaintiff filed his complaint with the Court on November 10, 2010. (D.E. 1.) The Court scheduled an Initial Pretrial Conference (“IPTC”) for December 20, 2010. (D.E. 2.) At the December 20 IPTC, counsel for the United States entered an appearance. Counsel for Plaintiff, however, failed to appear at the IPTC, in violation of this Court’s Order for Conference and Disclosure of Interested Parties. (D.E. 2 ¶ 1.) Counsel failed to file a motion for a continuance or to otherwise inform the Court of his inability to attend the IPTC. Counsel for the United States also confirmed that Plaintiff had failed to confer with Defendants to produce a report as required by Federal Rule of Civil Procedure 26(f).

“A district court sua sponte may dismiss an action for failure to prosecute or to comply with any court order.” Larson v. Scott, 157 F.3d 1030, 1031 (5th Cir. 1998); see also Anthony v. Marion County Gen. Hosp., 617 F.2d 1164, 1167 (5th Cir. 1980) (“Rule 41(b) provides that a case may be dismissed for failure to prosecute ... [a district court

may] sua sponte dismiss an action whenever necessary to achieve the orderly and expeditious disposition of cases.”) (internal citations omitted); see also Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”).

In light of Plaintiff’s failure to appear at the IPTC, or to confer with Defendants as required by Federal Rule of Civil Procedure 26(f), the Court hereby DISMISSES Plaintiff’s Complaint in its entirety, for failure to prosecute.

SIGNED and ORDERED this 21st day of December, 2010.

  
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Janis Graham Jack  
United States District Judge